



The Gazette of Meghalaya

EXTRAORDINARY

PUBLISHED BY AUTHORITY

No. 84

Shillong, Friday, April 12, 2013,

22nd Chaitra, 1935 (S. E.)

PART-V

GOVERNMENT OF MEGHALAYA

MEGHALAYA LEGISLATIVE ASSEMBLY SECRETARIAT

ORDERS BY THE GOVERNOR

NOTIFICATION

The 12th April, 2013.

No.LB.45/LA/2013/2.—The Meghalaya Lokayukta (Amendment) Bill, 2013 introduced in the Meghalaya Legislative Assembly on the 12th April, 2013 together with the statement of objects and Reasons is published under Rule 71 of the Rules of Procedure and Conduct of Business in the Meghalaya Legislative Assembly for general information.

THE MEGHALAYA LOKAYUKTA AMENDMENT BILL, 2013**A
BILL**

to amend the Meghalaya Lokayukta Bill, 2012 as passed by the Meghalaya Legislative Assembly.

Whereas the Meghalaya Lokayukta Bill, 2012 was passed by the Meghalaya Legislative Assembly on 14-12-2012.

Whereas further the said Bill was submitted to His Excellency the Governor of Meghalaya for his assent under Article 200 of the Constitution of India and His Excellency the Governor has returned the Meghalaya Lokayukta Bill, 2012 for re-consideration.

Be it enacted by the Legislature of the State of Meghalaya in the Sixty-fourth Year of the Republic of India, as follows:-

**Short title and
Commencement.**

1. (1) This Act may be called the Meghalaya Lokayukta (Amendment) Act, 2013.

(2) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

**Amendment of
Section 2.**

2. In section 2 of the Meghalaya Lokayukta Act, 2012 (hereinafter referred to as the principal Act), in clause (j), the punctuation “(;)” appearing at the end shall be omitted and thereafter the following words shall be added, namely,-

“and also in connection with the affairs of the District Council constituted under the Sixth Schedule to the Constitution of India”, shall be added.

**Amendment of
Section 3.**

3. In section 3 of the principal Act, after the proviso to sub-section (4) the following new proviso shall be added, namely,-

“Provided further that a person shall be eligible for consideration for appointment under sub-section (2) and under sub-section (4) if he is of impeccable integrity, outstanding ability and having special knowledge and expertise of not less than 25 years in any of the matters relating to anti-corruption policy, public administration, vigilance, policy making, finance including insurance and banking, law and management.”

- Amendment of Section 4.** 4. In section 4 of the principal Act, -
- (i) in clause (a) the words "*except for re-nomination as Lokayukta*" appearing in the last line therein shall be omitted.
 - (ii) in clause (b) for the word "*except for re-nomination as member*" the word "*except for re-nomination as Lokayukta*", shall be substituted.
- Amendment of Section 5.** 5. Sub-section (2) of section 5 of the principal Act shall be omitted and thereafter sub-sections (3), (4) and (5) shall be renumbered as sub-sections (2), (3) and (4) respectively.
- Amendment of Section 7** 6. In section 7 of the principal Act, between the word "*supported by*" and "*majority*", the word "*simple*", shall be inserted.
- Amendment of Section 8.** 7. In section 8 of the principal Act, after sub-section (2), the following proviso shall be inserted, namely,-
- " Provided that the Selection Committee may appoint persons to Search Committee of impeccable integrity and of standing and having special knowledge and expertise in the matters relating to anti-corruption policy, public administration, vigilance, policy making, finance including insurance and banking, law and management and in any other matter which may be useful in making selection of the Lokayukta and Members of the Lokayukta."
- Amendment of Section 15.** 8. In section 15 of the principal Act, for the existing sub-section (1) the following new sub-section shall be substituted, namely,-
- " (1) If, after investigation of any allegation in respect of which a complaint has been made against a public servant, the Lokayukta or a Member is satisfied that such allegation has been established, the Lokayukta or a Member, shall -
- (a) in case of any findings for which remedy or corrective action falls under the relevant service rules, a report for taking disciplinary action shall be submitted to the concerned Competent Authority; and
 - (b) in case of any findings involving criminal liability, shall initiate action and prosecute under the relevant laws."
- Amendment of Section 22.** 9. Section 22 of the principal Act shall be omitted and thereafter sections 23, 24, 25, 26, 27, 28, 29, 30 and 31 shall be renumbered as sections 22, 23, 24, 25, 26, 27, 28, 29 and 30 respectively.

STATEMENT OF OBJECT AND REASONS.

The Meghalaya Lokayukta Bill, 2012 was passed by the Meghalaya Legislative Assembly on 14-12-2012 and sent to His Excellency, the Governor of Meghalaya for assent under Article 200 of the Constitution of India. His Excellency the Governor of Meghalaya has returned the Bill with a message for consideration for amendment of clauses 2, 3(4), 4(a) & (b), 5(2), 7, 8, 15(1) and clause 22.

The State Government has examined the same and intends to make amendments to the principal Bill.

Hence the Bill.

(Dr. Mukul Sangma)
Chief Minister, Meghalaya.

(H. Myllemngap)
Secretary,
Meghalaya Legislative Assembly.

FINANCIAL MEMORANDUM.

No additional financial expenditure from the consolidated fund of the State of Meghalaya will be involved for implementing the proposed provisions of the Bill.



The Gazette of Meghalaya

EXTRAORDINARY

PUBLISHED BY AUTHORITY

No. 85

Shillong, Friday, April 12, 2013,

22nd Chaitra, 1935 (S. E.)

PART-V

GOVERNMENT OF MEGHALAYA

MEGHALAYA LEGISLATIVE ASSEMBLY SECRETARIAT

ORDERS BY THE GOVERNOR

NOTIFICATION

The 12th April, 2013.

No.LB.46/LA/2013/2.—The Meghalaya Police (Amendment) Bill, 2013 introduced in the Meghalaya Legislative Assembly on the 12th April, 2013 together with the statement of objects and Reasons is published under Rule 71 of the Rules of Procedure and Conduct of Business in the Meghalaya Legislative Assembly for general information.

ANNEXURE - III**THE MEGHALAYA POLICE (AMENDMENT) BILL, 2013****A****Bill**

further to amend the Meghalaya Police Act, 2010 (Act No.7 of 2011)

Be it enacted by the Legislature of the State of Meghalaya in the Sixty-fourth Year of the Republic of India as follows :-

Short title and
commencement

1. (1) This Act may be called the Meghalaya Police (Amendment) Act, 2013.
- (2) It shall come into force at once.

Amendment of
section 6.

- 2 In section 6 of the Meghalaya Police Act, 2010 in sub-section (1) –
 - (i) in clause (e) for the punctuation '.', the punctuation ':' shall be substituted; and
 - (ii) after clause (e), the following provisos shall be inserted, namely,-

“Provided that the name of any officer, who has been appointed to a post either under the Central Government or any State Government in the rank and pay of Director General of Police, shall not be considered for inclusion in the subsequent panels to be prepared by the State Security Commission:

Provided further that the validity of the panel prepared in terms of clause (b) of section 44 of Chapter V shall expire immediately after the panel has been utilized for appointment of a Director General of Police under sub-section (1) of section 6 of Chapter II.”

STATEMENT OF OBJECT AND REASONS

The Meghalaya Police Act, 2010 has been in force for the last two years in the State of Meghalaya. During the course of implementation of the Act, it was found that additional provisions need to be incorporated to bring about more clarity in its interpretation. Therefore it is considered necessary to specify that when a panel for selection of Officers to the post of Director General of Police is recommended by the State Security Commission and such panel has been utilized for appointment of Director General of Police, the validity of the panel so prepared and utilized will expire. Should an eventuality arise for appointment for a new Director General of Police, a fresh panel will need to be prepared. Similarly, it is proposed that once an Officer (otherwise eligible for consideration) is appointed to a post in the rank and pay of Director General of Police anywhere, he should not be considered for inclusion in the panel again.

Hence the Bill.

(Roshan Warjri)
Minister in-charge Home

(H.Mylliemngap)
Secretary,
Meghalaya Legislative Assembly.

FINANCIAL MEMORANDUM

No additional expenditure from the consolidated fund of the State will be involved for implementing the provisions of the proposed enactment